

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

RxUSA, INC., and RxUSA INTERNATIONAL INC.,

Plaintiffs,

v.

Case No. 06-C-790

**CAPITAL RETURNS, INC.,
CLAUDE A. DANCE,
PETE M. SKLADANEK
and JOHN DOES 1-10,**

Defendants.

ORDER

This matter is before the Court on the defendants, Capital Returns, Inc., Claude A. Dance, and Pete M. Skladanek (collectively the “Defendants”), expedited non-dispositive motion pursuant to Civil Local Rule 7.4 (E.D. Wis.) to set briefing schedule and stay discovery. The Defendants seek leave to file an answer and a motion for judgment on the pleadings on or before October 30, 2006, and a stay of discovery until the resolution of their forthcoming motion for judgment on the pleadings. The plaintiffs RxUSA, Inc., and RxUSA International Inc. (collectively the “Plaintiffs”) have not responded to the motion within the allotted time and, therefore, have waived their opportunity to object.

The Defendants’ motion states that there is a pending motion to dismiss. (Defs.’ Expedited Non-Dispositive Mot. Briefing Schedule & Stay Disc. ¶ 3.) However, the final sentence in the order transferring the action to this district states, “All other motions are

denied." (*Id.*, Ex. A at 3.) Thus, there is no pending motion to dismiss. Regardless, upon due consideration of the motion, and in the absence of any opposition, the Court will grant the motion.

**NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY
ORDERED THAT:**

The Defendants' expedited non-dispositive motion to set briefing schedule and stay discovery is **GRANTED**.

1. The Defendants **MAY FILE** their answer and a motion for judgment on the pleadings on or before October 30, 2006
2. Discovery in this matter is **STAYED** until the resolution of the Defendants' forthcoming motion for judgment on the pleadings.

Dated at Milwaukee, Wisconsin this 20th day of October, 2006.

BY THE COURT

s/ Rudolph T. Randa

Hon. Rudolph T. Randa

Chief Judge